

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CHAMBERS
U.S.D.C. - Atlanta

MAY 26 2016

By: James M. Hatten, Clerk
AmCarroll Deputy Clerk

MIGUEL CRUZ GONZALEZ,	:	
	:	
Movant	:	CRIMINAL ACTION FILE NO.
	:	1:07-CR-151-ODE-JFK
v.	:	
	:	CIVIL ACTION FILE NO.
UNITED STATES OF AMERICA,	:	1:15-CV-1830-ODE-JFK
	:	
Respondent	:	


ORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Janet F. King filed April 5, 2016 ("R&R") [Doc. 45]. No objections have been filed.

In the R&R, Judge King recommends that Movant's § 2255 motion be dismissed without prejudice and that a certificate of appealability ("COA") be denied. Specifically, Judge King found that prison records indicate that Movant has been released from prison and he has not notified the Court of his whereabouts. In addition, a COA should be denied because it is not debatable that a dismissal without prejudice is warranted.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's § 2255 motion [Doc. 30] is DISMISSED WITHOUT PREJUDICE, and a COA is DENIED.

SO ORDERED, this 26 day of May, 2016.


ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE